



DEPARTMENT OF THE ARMY
OFFICE OF THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
9301 CHAPEK ROAD
FORT BELVOIR VA 22060-5527

June 24, 2019

SAAA-LS

Austin R. Evers
American Oversight
1030 15th Street NW, Suite B255
Washington, DC 20005
Sent via email: foia@americanoversight.org

Dear Mr. Evers:

This letter is in response to your Freedom of Information Act (FOIA) request dated May 1, 2019. Your request was referred to us by the U.S. Army Freedom of Information Act Division, Records Management Declassification Agency (RMDA). You are seeking records regarding President Trump's statement on November 1, 2018, that "Anybody throwing stones, rocks [...] we will consider that a firearm because there's not much difference." American Oversight considers any talking points prepared or coordinated by DoD for President Trump related to rules of engagement of troops, including in the event of migrants throwing rocks, to be responsive to this request. Your request was assigned our office tracking number FA-19-0126.

Under the FOIA, a government agency is required to make a "good faith effort to conduct a search" 5 USC 552(a)(3)(A). Our office requested a records search from the Office of the Secretary of the Army (SECARMY). SECARMY conducted a search and review for any records responsive to your FOIA request; however, this search failed to yield responsive records. We have determined this search was reasonable. See *Duenas Iturralde v. Comptroller of the Currency*, 315 F.3d 311, 3154 (D.C. Cir. 2003).

For any further assistance and to discuss any aspect of your request, you have the right to contact the Army FOIA Public Liaison Officer, Alecia Bolling, by email at us.army.hqda-oaa-ahs.mbx.rmda-foia-public-liaison@mail.mil or by phone at (703) 428-6238. Additionally, you may contact the Office of Government Information Services (OGIS) at the national Archives and Records Administration (NARA) to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: NARA-OGIS, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001, email at ogis@nara.gov, telephone number (202) 741-5770 toll free at (877) 684-6448 or by facsimile at (202) 741-5769.

This letter constitutes a "no record" determination under the FOIA. This determination has been made on behalf of the Administrative Assistant to the Secretary of the Army, who has designated that this office will act as the Initial Denial Authority for records maintained by the Office of the Secretary of the Army and its serviced activities. You have the right to file an administrative appeal with the Office of the Army General

Counsel within ninety (90) calendar days. See 32 C.F.R. § 518.17(c). Their mailing address is:

Department of the Army
Office of the General Counsel
104 Army Pentagon, Room 2E724
Washington, D.C. 20310

If you have any questions regarding this letter or the information furnished please contact this office at (703) 614-5871 or usarmy.belvoir.hqda-oaa-rpa.mbx.oaa-cals-mailbox-foia@mail.mil. In all correspondence please refer to FOIA number FA-19-0126.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul V. DeAgostino', with a long horizontal line extending to the right.

Paul V. DeAgostino
Senior Counsel